

RECEIVED

JUL 15 1983

~~EXECUTIVE DEPT.~~



State of New Jersey

IRWIN I. KIMMELMAN
ATTORNEY GENERAL

THOMAS W. GREELISH
FIRST ASSISTANT ATTORNEY GENERAL

DEPARTMENT OF LAW AND PUBLIC SAFETY

DIVISION OF LAW
ENVIRONMENTAL PROTECTION SECTION

RICHARD J. HUGHES JUSTICE COMPLEX
CN 112
TRENTON 08625

609-292-1548

TELEPHONE

MICHAEL R. COLE
ASSISTANT ATTORNEY GENERAL
DIRECTOR

LAWRENCE E. STANLEY
DEPUTY ATTORNEY GENERAL
SECTION CHIEF

JOHN M. VAN DALEN
DEPUTY ATTORNEY GENERAL
ASSISTANT SECTION CHIEF

July 13, 1983

Honorable Reginald Stanton
Superior Court of New Jersey
228 Hall of Records
Newark, New Jersey 07102

Re: State of New Jersey, DEP v. Scientific Chemical
Processing, Inc., et al
Docket No. C-1852-83E

Dear Judge Stanton:

Enclosed herewith please find original and two copies of form of Order which I believe is consistent with Your Honor's ruling from the bench at the hearing on July 7, 1983. This Order is submitted under the 5 day rule. Accordingly, if specific objections are not received from my adversaries within 5 days of the date hereof, the Order may be executed. Kindly return one copy of executed Order marked filed in the enclosed stamped self-addressed envelope.

Thank you for your continued attention to this matter.

Very truly yours,

IRWIN I. KIMMELMAN
ATTORNEY GENERAL

By

David W. Reger
David W. Reger
Deputy Attorney General

DWR:map

Enclosures

cc: Harriet Sims Harvey, Esq.
Edward J. Egan, Esq.
Paul S. Barbira, Esq.
Herbert G. Case
Leif R. Sigmond
Robert McDonald, Esq.
Carl Ling
Jerry Burke, Esq.
(with enclosure)

345783



IRWIN I. KIMMELMAN
ATTORNEY GENERAL OF NEW JERSEY
Attorney for Plaintiff
State of New Jersey, Department
of Environmental Protection
Richard J. Hughes Justice Complex
CN 112
Trenton, New Jersey 08625

BY: DAVID W. REGER
Deputy Attorney General
(609) 292-1548

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
ESSEX COUNTY

DOCKET NO. C-1852-83E

STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION,

Plaintiffs,

vs.

SCIENTIFIC CHEMICAL PROCESSING, INC.,
a corporation, et al,

Defendants

Civil Action

ORDER

This matter having been set down by the Court for a hearing
on July 7, 1983, and Deputy Attorney General David W. Reger appearing
on behalf of the Department of Environmental Protection (DEP); and
Harriet Sims Harvey, Esq. appearing on behalf of defendant Mack Barnes;
and Edward J. Egan, Esq. appearing on behalf of defendants Inmar Associ-
ates, Inc. and Marvin Mahan; and Paul S. Barbire, Esq. appearing on

behalf of defendants, Sigmond and Presto, a partnership, and Dominick Presto individually; and Robert McDonald, Esq. appearing on behalf of the City of Newark; and Herbert G. Case and Leif R. Sigmond appearing pro se; and

It further appearing that defendants Dominick Presto and Sigmond and Presto, a partnership, submitted a plan to the court and the DEP for a cleanup of the Newark site located at 411 Wilson Avenue, Newark, New Jersey; and

It further appearing that defendant Inmar Associates, Inc. submitted a plan to the Court and DEP for cleanup of the Carlstadt site located at 216 Paterson Plank Road, Carlstadt, New Jersey; and

The court having considered the aforesaid cleanup proposals, and briefs submitted regarding the issue of defendant Marvin Mahan's individual liability, the arguments of counsel, and for good cause shown;

IT IS on this day of , 1983, ORDERED that:

1. The proposal for cleanup of the Newark site submitted by defendants Dominick Presto, individually, and Sigmond and Presto, a partnership, is broadly acceptable to DEP and the Court.

2. All defendants involved with the Newark site, together with their representatives and cleanup contractor are directed to meet forthwith with representatives of the DEP to clarify issues not fully addressed in the cleanup proposal for the Newark site. Thereafter, necessary analyses of the waste materials situated on the Newark site shall be promptly initiated.

3. The proposal for cleanup of the Carlstadt site submitted by defendant Inmar Associates, Inc. is unacceptable to DEP and the Court because it does not provide sufficient detail to afford a basis for evaluation.

4. Representatives of Inmar Associates, Inc., together with its cleanup contractor shall meet forthwith with representatives of the DEP to develop and agree upon a plan for cleanup of the Carlstadt site. Thereafter, necessary analyses of the waste material situated on the Carlstadt site shall be promptly initiated.

5. Defendants, Leif R. Sigmond and Dominick Presto shall submit plans for cleanup of the Carlstadt site to the Court and all parties by August 5, 1983. [In the alternative, said defendants may indicate that they join with the plan developed and submitted by Inmar Associates, Inc. Defendants Sigmond and Presto are also directed to participate in meetings with the DEP regarding cleanup of the Carlstadt site as set forth in Paragraph 4 above.

6. Mr. Carl Ling, a former employee of Scientific Chemical Processing, Inc., Energall, Inc. and/or Presto Inc. shall cooperate with the defendants herein in the development or implementation of the plans to cleanup the Newark and Carlstadt sites.

7. Deputy Attorney General David W. Reger shall provide the Court with a report on the status of the cleanups of the Newark and Carlstadt sites on or before August 5, 1983.

✓ 8. Defendant Marvin Mahan's motion to dismiss the complaint as against him individually is denied without prejudice.

REGINALD STANTON, J.S.C.